

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

BMG RIGHTS MANAGEMENT (US) LLC, and ROUND HILL MUSIC LP,)	
)	
Plaintiff,)	Case No. 1:14-cv-1611 (LOG/JFA)
)	
v.)	
)	
COX ENTERPRISES, INC., COX COMMUNICATIONS, INC., and COXCOM, LLC,)	
)	
Defendants.)	
)	

**DEFENDANTS' MOTION FOR EVIDENTIARY SANCTIONS
BASED ON SPOILIATION OF RIGHTSCORP SOURCE
CODE AND OTHER EVIDENCE**

Pursuant to Federal Rules of Civil Procedure 37, Defendants Cox Enterprises, Inc., Cox Communications, and Coxcom, LLC (collectively "Cox") respectfully moves this Court to enter an order granting evidentiary sanctions against Plaintiffs and their agent, Rightscorp, Inc., based on (1) the spoliation of historical versions of Rightscorp's code underlying its systems for purportedly detecting copyright infringement on the Internet (as described in Paragraph 2 of Plaintiffs' First Amended Complaint (Doc. 16)) and (2) the destruction of call logs and audio recordings of communications between Rightscorp phone agents and consumers accused of copyright infringement. Specifically, Cox respectfully moves this Court to preclude Plaintiffs and Rightscorp from introducing or relying on certain arguments or evidence about Rightscorp's software, technologies, processes, and/or systems for detecting copyright infringement on the Internet or sending notices related to such infringement. Cox further moves this Court to preclude Plaintiffs and Rightscorp from introducing or relying on certain arguments or evidence about Rightscorp's call center practices.

The grounds and reasons for granting this relief are stated with particularity in the accompanying memorandum of law. A proposed order is submitted herewith.

Respectfully submitted,

Dated: August 28, 2015

/s/ Craig C. Reilly

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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2015, the foregoing was filed and served electronically by the Court's CM/ECF system upon all registered users.

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